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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,381	01/05/2004	Toshie Imai	MIPEP073	4309
25920 7590 09/05/2008 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
NEGRON, WANDA M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/752,381

Applicant(s)

IMAI ET AL.

Examiner

WANDA M. NEGRON

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 9-11 and 13-15 is/are allowed.
- 6) ☒ Claim(s) 8 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of applicant's amendment filed on 5/19/2008, the rejection under 35 USC § 101 of claims 13-15 and the rejection under 35 USC § 112 of claims 4-7 have been withdrawn.

Applicant's arguments, see pages 14-15, filed on 5/19/2008, with respect to the rejections of claims 8 and 12 under 35 U.S.C. § 103 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of *Shiota et al.* (US Patent No. 6,011,547) in view of applicant's admitted prior art. Since this is a new ground of rejection, which was not done because of an amendment, **this action is non-final**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shiota et al.* (US Patent No. 6,011,547), hereinafter referred to as *Shiota*, in view of applicant's admitted prior art.

Regarding **claim 8**, *Shiota* discloses an image processing method data (*i.e.*, a method for reproducing images using "an optimal image processing condition"; see col. 1, lines 64-67) for executing image processing of image data associated with shooting

information (*i.e.*, image processing of “image data to which recording information representing a recording condition is added by a digital camera”, including “information which varies at each recording depending on a photo-taking environment or on an operation by the photographer”, wherein the image data and the recording information are stored as a file in a built-in memory of a camera for subsequent transmission to an image server; see col. 2, lines 7-38 and col. 5, lines 22-39), said method comprising: acquiring as information said selected shooting information (*i.e.*, inherent acquisition of the recording information in order to use it for image processing; see col. 5, lines 49-53); and executing picture quality adjustment processing of said image data in an image processing apparatus using said acquired information (see col. 3, lines 9-20 and col. 5, lines 49-57), said image data generating apparatus and said image processing apparatus being separate bodies (*i.e.*, the digital camera and the image reproducing apparatus are separate bodies; see figure 1).

Shiota, however, does not explicitly disclose that the image data has been associated with at least one set of information *selected from shooting information that indicates shooting conditions at the time of shooting, and image processing control information that designates a plurality of picture quality adjustment parameters to be used during image processing*, and that the method comprises *selecting either said shooting information or said image processing control information*.

Applicant's specification, however, discloses on page 1, lines 12-32 that “[s]hooting information and image processing control information is typically described in the header of the image data, and is associated with a particular set of image data”, and

that an image processing apparatus uses "either shooting information or image processing control information". Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select either said shooting information or said image processing control information because using the shooting conditions would prevent "image processing that is inappropriate for a particular type of photographed scene", and using the image processing control information would produce images that "reflect the photographer's intention" (see application as filed, paragraph [0003]).

Apparatus **claim 12** is drawn to the apparatus corresponding to the method of using same as claimed in claim 8. Therefore apparatus claim 12 corresponds to method claim 8 and is rejected for the same reasons of obviousness as used above.

Response to Arguments

Applicant's arguments, see page14, filed on 5/19/2008, with respect to claims 1-7, 9-11 and 13-15 have been fully considered and are persuasive. The prior art rejection of claims 1-7, 9-11 and 13-15 has been withdrawn. However, some of Applicant's arguments regarding claims 8 and 12 filed on 5/19/2008 have been fully considered but they are not persuasive.

Applicant asserts on page 14 that the reference to Shiota does not teach that "the image data transmitted from a digital camera does not include the recording condition". However, the examiner maintains that Shiota discloses a method for image

processing image processing wherein the image data to be processed is "image data to which recording information representing a recording condition is added by a digital camera" including "information which varies at each recording depending on a photo-taking environment or on an operation by the photographer", wherein *the image data and the recording information* are stored as a file in a built-in memory of a camera for subsequent transmission to an image server (see col. 2, lines 7-38 and col. 5, lines 22-39).

Applicant further asserts on page 15 that the reference to Shiota does not teach "1) that the shooting information and the image processing control information are associated with the image data by the image data generating apparatus, and 2) the image data generating apparatus and the image processing apparatus are separate bodies". However, it is the examiner's position that Shiota discloses that the image data to be processed is "image data to which recording information representing a recording condition is added by a digital camera" including "information which varies at each recording depending on a photo-taking environment or on an operation by the photographer", wherein the image data and the recording information are stored as a file in a built-in memory of a camera for subsequent transmission to an image server (see col. 2, lines 7-38 and col. 5, lines 22-39). Furthermore, Shiota teaches that said digital camera (*i.e.*, the image data generating apparatus) and the image reproducing apparatus (*i.e.*, the image processing apparatus) are separate bodies (see figure 1).

For the foregoing reasons, the rejection is still deemed proper and has been maintained.

Allowable Subject Matter

Claims 1-7, 9-11 and 13-15 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claims 1-3**, independent claim 1 discloses an image processing method for executing image processing of image data generated by an image data generating apparatus, said method comprising: acquiring shooting information that indicates shooting conditions at the time of shooting, said shooting information describing a plurality of shooting condition parameters; acquiring image processing control information that designates a plurality of picture quality adjustment parameters to be used during image processing in an image processing apparatus, said image processing control information describing a plurality of specifying parameters, and said image processing control information designating image processing conditions to be used in said image processing apparatus, said image data generating apparatus being separate from said image processing apparatus; setting said plurality of picture quality adjustment parameters on the basis of said plurality of specifying parameters, while for any of said plurality of picture quality adjustment parameters that is not set by means of said specifying parameters, setting these said picture quality adjustment parameters on the basis of said shooting condition parameters; and executing image processing of said image data using said set picture quality adjustment parameters, which is neither taught or an obvious variation of the relevant prior art.

Regarding **claims 4 and 5**, independent claim 4 discloses an image processing method for executing image processing of image data that has been generated by an image data generating apparatus and that has been associated with at least one set of information selected from shooting information indicating shooting conditions at the time of shooting, and image processing control information designating a plurality of picture quality adjustment parameters to be used during image processing in an image processing apparatus that is separate from said image data generating apparatus, said method comprising: acquiring said image data; searching, from among the image processing control information associated with said image data, for a scene-specific image processing condition parameter depending on a particular shooting scene, the image processing control information designating image processing conditions to be used in said image processing apparatus; in the event that said scene-specific image processing condition parameter is not found, searching, from among the shooting conditions associated with said image data, for a shooting scene condition; searching, from among the image processing control information associated with said image data, for an arbitrary image processing designating condition that arbitrarily designates an image processing condition; in the event that said arbitrary image processing designating condition is not found, searching, from among the shooting conditions associated with said image data, for an arbitrarily set shooting condition; and acquiring each said searched for condition, and executing image processing of said image data in said image processing apparatus using said acquired conditions, which is neither taught or an obvious variation of the relevant prior art.

Regarding **claims 6 and 7**, independent claim 6 discloses an image processing method for executing image processing of image data that has been generated by an image data generating apparatus and that has been associated with at least one set of information selected from shooting information that indicates shooting conditions at the time of shooting, and image processing control information that designates a plurality of picture quality adjustment parameters to be used during image processing in an image processing apparatus that is separate from said image data generating apparatus, said method comprising: acquiring shooting scene information from said shooting conditions; defining scene correction information on the basis of said acquired shooting scene information; searching among said image processing control information for a scene-specific image processing condition that designates an image processing condition on a scene-specific basis, said image processing control information designating image processing conditions to be used in said image processing apparatus; in the event that said scene-specific image processing condition is found among said image processing control information, replacing said scene correction information with said scene-specific image processing condition; acquiring arbitrary correction information from said shooting conditions; defining image arbitrary correction information on the basis of the acquired said arbitrary correction information; searching among said image processing control information for an arbitrary image processing condition designating an arbitrarily selected image processing condition; in the event that said arbitrary image processing condition is found among said image processing control information, replacing said

image arbitrary correction information with said arbitrary image processing condition; and executing image processing of said image data in said image processing apparatus on the basis of said scene correction condition and said image arbitrary correction information, which is neither taught or an obvious variation of the relevant prior art.

Claim 9 discloses an image processing apparatus for executing image processing of image data generated by an image data generating apparatus that is separate from said image processing apparatus, said image processing apparatus comprising: shooting information acquisition logic for acquiring shooting information that indicates shooting conditions at the time of shooting, said shooting information describing a plurality of shooting condition parameters; image processing control information acquisition logic for acquiring image processing control information that designates a plurality of picture quality adjustment parameters to be used during image processing, said image processing control information describing a plurality of specifying parameters, and said image processing control information designating image processing conditions to be used in said image processing apparatus; picture quality adjustment parameter setting logic for setting said plurality of picture quality adjustment parameters on the basis of said plurality of specifying parameters, while for any of said plurality of picture quality adjustment parameters that is not set by means of said specifying parameters, setting these said picture quality adjustment parameters on the basis of said shooting condition parameters; and image processing logic for executing image processing of said image data using said set picture quality

adjustment parameters, which is neither taught or an obvious variation of the relevant prior art.

Claim 10 discloses an image processing apparatus for executing image processing of image data that has been generated by an image data generating apparatus and that has been associated with at least one set of information selected from shooting information indicating shooting conditions at the time of shooting, and image processing control information designating a plurality of picture quality adjustment parameters to be used during image processing, said image processing control information designating image processing conditions to be used in said image processing apparatus, said image data generating apparatus being separate from said image processing apparatus, said processing apparatus comprising: image data acquisition logic for acquiring said image data; first search logic for searching, from among the image processing conditions associated with said image data, for a scene-specific image processing condition parameter depending on a particular shooting scene, and in the event that said scene-specific image processing condition parameter is not found, searching, from among the shooting conditions associated with said image data, for a shooting scene condition; second search logic for searching, from among the image processing conditions associated with said image data, for an arbitrary image processing designating condition that arbitrarily designates an image processing condition, and in the event that a said arbitrary image processing designating condition is not found, searching, from among the shooting conditions associated with said image

data, for an arbitrarily set shooting condition; and image processing logic for executing image processing of said image data using conditions acquired by each said search logic, which is neither taught or an obvious variation of the relevant prior art.

Claim 11 discloses an image processing apparatus for executing image processing of image data that has been generated by an image data generating apparatus and that has been associated with at least one set of information selected from shooting information that indicates shooting conditions at the time of shooting, and image processing control information that designates a plurality of picture quality adjustment parameters to be used during image processing, said image processing control information designating image processing conditions to be used in said image processing apparatus, said image data generating apparatus being separate from said image processing apparatus, said image processing apparatus comprising: scene information acquisition logic for acquiring shooting scene information from said shooting conditions, and defining scene correction information; first search logic for searching among said image processing conditions for a scene-specific image processing condition that designates an image processing condition on a scene-specific basis; scene correction information update logic that, in the event that said scene-specific image processing condition is found among said image processing conditions, replaces said scene correction information with said scene-specific image processing condition; arbitrary correction information acquisition logic for acquiring arbitrary correction information from said shooting conditions, and defining image arbitrary correction

information; second search logic for searching among said image processing conditions for an arbitrary image processing condition designating an arbitrarily selected image processing condition; image arbitrary correction information update logic that, in the event that a-said said arbitrary image processing condition is found among said image processing conditions, replaces said image arbitrary correction information with said arbitrary image processing condition; and picture quality adjustment logic for executing image processing of said image data on the basis of said scene correction condition and said image arbitrary correction information, which is neither taught or an obvious variation of the relevant prior art.

Claim 13 discloses a computer program product including a computer-readable storage medium having stored thereon computer-executable image processing program instructions for executing image processing of image data generated by an image data generating apparatus, said computer program product comprising: a program instruction for acquiring shooting information that indicates shooting conditions at the time of shooting, said shooting information describing a plurality of shooting condition parameters; a program instruction for acquiring image processing control information that designates a plurality of picture quality adjustment parameters to be used during image processing in an image processing apparatus, said image processing control information describing a plurality of specifying parameters, and said image processing control information designating image processing conditions to be used in said image processing apparatus, said image data generating apparatus being separate from said

image processing apparatus; a program instruction for setting said plurality of picture quality adjustment parameters on the basis of said plurality of specifying parameters, while for any of said plurality of picture quality adjustment parameters that is not set by means of said specifying parameters, setting these said picture quality adjustment parameters on the basis of said shooting condition parameters; and a program instruction for executing image processing of said image data using said set picture quality adjustment parameters, which is neither taught or an obvious variation of the relevant prior art.

Claim 14 discloses a computer program product including a computer- readable storage medium having stored thereon computer-executable image processing program instructions for executing image processing of image data that has been generated by an image data generating apparatus and that has been associated with at least one set of information selected from shooting information that indicates shooting conditions at the time of shooting, and image processing control information that designates a plurality of picture quality adjustment parameters to be used during image processing in an image processing apparatus that is separate from said image data generating apparatus, said computer program product comprising: a program instruction for acquiring said image data; a program instruction for searching, from among the image processing control information associated with said image data, for a scene-specific image processing condition parameter depending on a particular shooting scene, the image processing control information designating image processing conditions to be

used in said image processing apparatus; a program instruction that, in the event that said scene-specific image processing condition parameter is not found, searches, from among the shooting conditions associated with said image data, for a shooting scene condition; a program instruction for searching, from among the image processing conditions associated with said image data, for an arbitrary image processing designating condition that arbitrarily designates an image processing condition; a program instruction that, in the event that said arbitrary image processing designating condition is not found, searches, from among the shooting conditions associated with said image data, for an arbitrarily set shooting condition; and a program instruction for acquiring each said searched for condition, and executing image processing of said image data in said image processing apparatus using said acquired conditions, which is neither taught or an obvious variation of the relevant prior art.

Claim 15 discloses a computer program product including a computer- readable storage medium having stored thereon computer-executable image processing program instructions for executing image processing of image data that has been generated by an image data generating apparatus and that has been associated with at least one set of information selected from shooting information that indicates shooting conditions at the time of shooting, and image processing control information that designates a plurality of picture quality adjustment parameters to be used during image processing in an image processing apparatus that is separate from said image data generating apparatus, said computer program product comprising: a program instruction for

acquiring shooting scene information from said shooting conditions; a program instruction for defining scene correction information on the basis of said acquired shooting scene information; a program instruction for searching among said image processing control information for a scene-specific image processing condition that designates an image processing condition on a scene-specific basis, said image processing control information designating image processing conditions to be used in said image processing apparatus; a program instruction that, in the event that said scene-specific image processing condition is found among said image processing control information, replaces said scene correction information with said scene-specific image processing condition; a program instruction for acquiring arbitrary correction information from said shooting conditions; a program instruction for defining image arbitrary correction information on the basis of the acquired said arbitrary correction information; a program instruction for searching among said image processing control information for an arbitrary image processing condition designating an arbitrarily selected image processing condition; a program instruction that, in the event that said arbitrary image processing condition is found among said image processing control information, replaces said image arbitrary correction information with said arbitrary image processing condition; and a program instruction for executing image processing of said image data in said image processing apparatus on the basis of said scene correction condition and said image arbitrary correction information, which is neither taught or an obvious variation of the relevant prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WANDA M. NEGRON whose telephone number is (571)270-1129. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

/David L. Ometz/

Application/Control Number: 10/752,381

Page 17

Art Unit: 2622

Examiner, Art Unit 2622
September 2, 2008

Supervisory Patent Examiner, Art
Unit 2622